

Applicants have recently completed additional experimental work which has established that most of the biological activity attributable to the β -phenethanolamine employed in the claimed methods (compound 31537) is possessed by one of the four possible optical isomers. Accompanying this paper is a copy of a Declaration submitted under 37 C.F.R. 1.132 in a related case, namely Serial No. 860,719, which embraces a method of promoting growth and improving feed efficiency in swine using the same β -phenethanolamine that is the subject of the present claims (compound 31537). The Declaration describes a in vivo lipolytic study that was employed to analyze the ability of various compounds to affect lipolysis in pigs. The data in the Declaration shows a comparison among untreated control animals and animals that received the compound described in the prior art Mills et al. patent, namely, compound 79771, a pure R,S optical isomer, and two of the compounds that are pure optical isomers of the racemate that has heretofore been referred to as "compound 31537". The two optical isomers are referred to in the Declaration as 99417, which is the R,S optical isomer, the structure of which is shown on page 3 of the Declaration, and 99134 which is the R,R optical isomer, also shown on page 3.

The data presented on page 3 of the Declaration establish that the serum free fatty acid levels, when measured in micromoles per liter following drug administration, are substantially higher for the R,R isomer 99134 than for any of the other treatment groups, even though the dose of 99134 was ten fold less than that of any of the other treatment drugs. Applicants therefore believe the data presented in the accompanying Declaration establish that most of the growth promotion and feed

efficiency enhancement activity demonstrated by the mixture of optical isomers that make up the racemate 31537 is in fact due to only one isomer, namely the R,R isomer, compound number 99134.

Applicants respectfully submit that based upon the accompanying Declaration, and the data that is already of record in this application, Applicants are entitled to patent claims embracing a method for promoting growth and improving feed efficiency in ruminants, and improving leanness in animals, comprising administering a specific β -phenethanolamine that is comprised four optical isomers (compound 31537), or by administering a single isomer which is one component of the racemate (compound 99134). Entry of the proposed amendments to the claims and allowance of all claims as now presented is respectfully requested.

Applicants note that Paper No. 8 is responsive to a communication filed on October 20, 1986. That communication included two Supplemental Information Disclosure Statements, both of which included a modified PTO-1449 form. Applicants respectfully request the Examiner to supply a copy of those forms, indicating that all references cited thereon are properly of record.

Respectfully submitted,



Charles W. Ashbrook
Attorney for Applicants
Registration No. 27,610

Phone: 317-276-6015

Eli Lilly and Company
Patent Division/CWA
Lilly Corporate Center
Indianapolis, Indiana 46285

January 22, 1987